

Remarks

Reconsideration of this application is respectfully requested.

Claims 10-11 stand rejected under 35 U.S.C. §103(a) as being un-patentable over U.S. Patent No. 6,205,362 of *Eidson*.

Claims 12-14 stand rejected under 35 U.S.C. §103(a) as being un-patentable over U.S. Patent No. 6,205,362 of *Eidson* in view of U.S. Patent No. 5,566,180 of *Eidson*.

Claims 15-16 and 18-28 stand rejected under 35 U.S.C. §103(a) as being un-patentable over U.S. Patent No. 6,205,362 of *Eidson*.

Claim 17 stands rejected under 35 U.S.C. §103(a) as being un-patentable over U.S. Patent No. 6,205,362 of *Eidson* in view of U.S. Patent No. 5,566,180 of *Eidson*.

The present application serial number 09/480,041 and U.S. Patent No. 6,205,362 were at the time the invention of application serial number 09/480,041 was made owned by Agilent Technologies. Therefore, U.S. Patent No. 6,205,362 is disqualified from being used in a rejection of claims 10-28 under 35 U.S.C. §103(a). See 35 U.S.C. §103(c) and M.P.E.P. §706.02(l)(1).

Applicant submits that claims 10-14 are not obvious in view of U.S. Patent No. 5,566,180 of *Eidson* because U.S. Patent No. 5,566,180 of *Eidson* does not disclose or suggest performance monitoring in a distributed system as claimed in claim 10.

Applicant submits that claims 15-28 are not obvious in view of U.S. Patent No. 5,566,180 of *Eidson* because U.S. Patent No. 5,566,180 of *Eidson* does not teach or suggest a distributed application having mechanisms for recording the occurrence of significant events in the distributed application and for providing a synchronized time base for evaluating the significant events as

claimed in claim 15.

It is respectfully submitted that in view of the arguments set forth above, the applicable objections and rejections have been overcome.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 50-1078 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

Date: 12-22-03

By:


Paul H. Horstmann

Reg. No.: 36,167